

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 148

6 By: Gollihare

7 COMMITTEE SUBSTITUTE

8 An Act relating to the State Fire Marshal; amending
9 74 O.S. 2021, Section 324.11, as amended by Section
10 2, Chapter 311, O.S.L. 2022 (74 O.S. Supp. 2024,
11 Section 324.11), which relates to building permits;
12 updating statutory language; allowing submission to
13 certain approved entities for plan review; requiring
14 State Fire Marshal to promulgate certain rules;
15 updating statutory references; defining terms;
16 allowing for certain use of private providers for
17 building code inspection services; requiring certain
18 notice to State Fire Marshal; requiring certain
19 affidavit; providing for certain record of
20 inspections; allowing for State Fire Marshal to
21 establish certain registration system; requiring
22 private providers to have certain insurance; allowing
23 for certain audit by State Fire Marshal; providing
24 for certain disciplinary actions by State Fire
25 Marshal; providing for codification; and declaring an
26 emergency.

27 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

28 SECTION 1. AMENDATORY 74 O.S. 2021, Section 324.11, as
29 amended by Section 2, Chapter 311, O.S.L. 2022 (74 O.S. Supp. 2024,
30 Section 324.11), is amended to read as follows:

31 Section 324.11. A. No person, firm, corporation, partnership,
32 organization, city, town, school district, county, or other

1 subdivision of government shall commence the construction or major
2 alteration of any buildings or structures that are classified as
3 occupancies in the building codes adopted by the Oklahoma Uniform
4 Building Code Commission including all defined occupancies within
5 these groups, or install original equipment for the operation or
6 maintenance thereof without obtaining a permit. The permit, for
7 which a charge may be made in conformity with the local ordinance,
8 except as limited herein as to governmental agencies, shall be
9 obtained from the city, town, or county in whose jurisdiction the
10 construction or alteration is planned.

11 B. All such construction or alteration so planned shall conform
12 to the applicable provisions of the building code, as last adopted
13 by the Oklahoma Uniform Building Code Commission.

14 C. Application for such building permit shall be made to, and
15 such building permit shall be issued by, any city, town, or county
16 in whose jurisdiction the construction or alteration is planned.
17 The city, town, or county may require the submission of plans and
18 specifications covering the proposed construction or alteration and
19 may refuse to issue such permit unless the work so planned is in
20 accordance with the applicable provisions of the city, town, or
21 county's building code. Any city, town, or county that requires the
22 submission of plans and specifications may provide for review of
23 plans by an entity approved by the city, town, or county.

24

1 D. In all geographical areas ~~wherein~~ where no such permit is
2 required by local authorities ~~such~~ pursuant to this section, the
3 permit ~~must~~ shall be obtained from the State Fire Marshal, who may
4 require the submission of plans and specifications covering the
5 proposed construction or alteration, ~~and shall refuse to issue such~~
6 ~~permit unless the work so planned is in accordance with the~~
7 ~~applicable provisions of the International Building Code,~~
8 ~~International Existing Building Code, and International Fire Code,~~
9 ~~as last adopted by the Oklahoma Uniform Building Code Commission;~~
10 ~~provided, that the foregoing~~ to the State Fire Marshal or to a
11 private provider, as defined in Section 2 of this act, approved by
12 the State Fire Marshal that provides plan review services. The
13 State Fire Marshal shall promulgate rules to enact the provisions of
14 this subsection, provided such rules for private providers are in
15 compliance with the provisions of Section 4 of this act. Except as
16 provided in Section 4 of this act, permit applications submitted to
17 the State Fire Marshal for review shall be approved or disapproved
18 no more than sixty (60) days after receipt. Disapproval of a permit
19 shall include written notice to the applicant identifying the
20 specific features that do not comply with the applicable codes, as
21 well as the specific code chapters and sections. If no written
22 notice for approval or disapproval is provided within sixty (60)
23 days, the State Fire Marshal shall notify the applicant of the delay
24 and provide an estimated date of completion. At the end of each

1 fiscal year, an accounting of all reviews exceeding the sixty-day
2 time period provided in this subsection shall be reported
3 electronically to the Governor, the President Pro Tempore of the
4 Senate, and the Speaker of the House of Representatives, with an
5 explanation as to why each permit was not issued in a timely
6 fashion.

7 E. The provisions of ~~this sentence~~ subsections C and D of this
8 section shall not apply to locations in any geographical area that
9 are owned or operated by a state beneficiary public trust or have
10 been purchased or leased from a state beneficiary public trust.
11 Furthermore, nothing in ~~this subsection~~ subsections C and D of this
12 section shall be construed as requiring a person to obtain a permit
13 from the State Fire Marshal for the construction or alteration of a
14 single-family dwelling, duplex residential dwelling, barn, shed, or
15 carport attached to a single-family dwelling, or duplex residential
16 dwelling when such structure is located in an unincorporated area of
17 a county.

18 ~~D.~~ F. Nothing in Section 324.1 et seq. of this title shall be
19 construed as repealing any ordinance of any city or town or any
20 order of any county requiring the submission to the local
21 authorities of plans and specifications and the obtaining of
22 permits, but the power or authority of any such city, town, or
23 county to levy or assess any charge for such permit or to make and
24 enforce requirements prerequisite to the issuance of such permit,

1 other than requiring compliance with such building code, shall, as
2 to governmental agencies, be limited as hereinafter set forth.

3 ~~F.~~ G. No city, town, or county requested to issue any such
4 permit to any city, town, school district, county, or other
5 subdivision of government shall charge, assess, or collect any fee
6 or other charge for such permit except the regular and customary
7 inspection fees fixed by ordinance for inspection of the work to be
8 done under such permit, and no other charge, fee, or other
9 conditions of any kind under the authority of this title shall be
10 made a condition of or prerequisite to the obtaining of such permit
11 by any such governmental agency.

12 ~~F.~~ H. No bids may be let for the construction or major
13 alteration of any correctional facility as defined by Section 317 of
14 this title until plans and specifications for such construction or
15 alteration have been submitted to the State Fire Marshal for
16 approval. The State Fire Marshal shall approve the plans and
17 specifications if the work so planned conforms with the applicable
18 provisions of the building code, as last adopted by the Oklahoma
19 Uniform Building Code Commission.

20 ~~G.~~ I. 1. Notwithstanding anything to the contrary in the fire
21 code ~~and/or~~ or building code, as last adopted by the Oklahoma
22 Uniform Building Code Commission, all facilities to be licensed as
23 assisted living facilities, or additions to existing assisted living
24 facilities, constructed after November 1, 2008, shall be constructed

1 ~~with the guidelines of the~~ in accordance with the building
2 guidelines set forth in the building code for I-II building
3 occupancies if at any time in their operation they house residents
4 who are not capable of responding to emergency situations without
5 physical assistance from staff of the facility or are not capable of
6 self-preservation.

7 2. Assisted living facilities licensed prior to July 1, 2008,
8 may house residents who are not capable of responding to emergency
9 situations without physical assistance from the staff or are not
10 capable of self-preservation under the following conditions: As
11 part of the annual licensure renewal process, the facility shall
12 disclose if any residents who reside in the facility are not capable
13 of responding to emergency situations without physical assistance
14 from staff or are not capable of self-preservation, and the facility
15 shall be required to install fire sprinkler protection and an alarm
16 system within the facility in accordance with the building
17 guidelines set forth in the building code for I-II facilities.

18 3. Assisted living facilities licensed to house six or fewer
19 residents prior to July 1, 2008, shall be permitted to install
20 National Fire Protection Association (NFPA) 13D or 13R fire
21 sprinkler protection in lieu of meeting I-II sprinkler requirements,
22 with approval of the municipal fire marshal or compliance with local
23 codes.

24 4. For purposes of this subsection:

1 a. the term "assisted living center" shall include an
2 assisted living center licensed as such by the State
3 Department of Health and the assisted living center
4 component of a continuum care facility licensed by the
5 State Department of Health, and

6 b. the terms "fire code" and "building code" shall be
7 deemed to include:

8 (1) any and all appendices, commentary, amendments
9 and supplements to, and replacements or
10 restatements of, ~~the Codes~~ codes, and

11 (2) any and all other laws, ordinances, regulations,
12 codes, or standards pertaining to assisted living
13 center construction, occupancy, and maintenance
14 for the protection of lives and property from
15 fire.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 324.11d of Title 74, unless
18 there is created a duplication in numbering, reads as follows:

19 A. As used in Sections 2 through 5 of this act:

20 1. "Applicable codes" means the codes adopted by the Oklahoma
21 Uniform Building Code Commission (OUBCC) and any local technical
22 amendments to the OUBCC and State Fire Marshal Directives;

23 2. "Audit" means the process of confirming that the building
24 code inspection services have been performed by the private

1 provider, including ensuring that the required affidavit for the
2 plan review has been properly completed and submitted with the
3 permit documents and that the minimum required mandatory inspections
4 have occurred;

5 3. "Building" means any construction, erection, alteration,
6 demolition, or improvement of or addition to any structure or site
7 work for which permitting by a local enforcement agency is required;

8 4. "Building code inspection services" means services involving
9 the review of site plans and site work engineering plans or their
10 functional equivalent, to determine compliance with applicable codes
11 and inspections required by law, conducted either in person or
12 virtually, of each phase of construction for which permitting by a
13 local enforcement agency is required to determine compliance with
14 applicable code;

15 5. "Deliver" or "delivery" means any method of delivery used in
16 conventional business or commercial practice, including delivery by
17 electronic transmissions;

18 6. "Electronic signature" means any letters, characters, or
19 symbols manifested by electronic or similar means which are executed
20 or adopted by a party with an intent to authenticate a writing or
21 record;

22 7. "Electronic transmission" or "submitted electronically"
23 means any form or process of communication not directly involving
24 the physical transfer of paper or another tangible medium that is

1 suitable for the retention, retrieval, and reproduction of
2 information by the recipient and is retrievable in paper form by the
3 receipt through an automated process;

4 8. "Electronically posted" means providing notices of
5 decisions, results, or records, including inspection records,
6 through the use of a website or other form of electronic
7 communication used to transmit or display information;

8 9. "Immediate threat to public safety and welfare" means a
9 building code violation that, if allowed to persist, constitutes an
10 immediate hazard that could result in death, serious bodily injury,
11 or significant property damage;

12 10. "Permit application" means a properly completed and
13 submitted application for the requested building or construction
14 permit, including, but not limited to:

- 15 a. the building plans reviewed by the private provider,
- 16 b. the affidavit from the private provider required under
17 the provisions of Section 4 of this act,
- 18 c. any applicable fees, and
- 19 d. any documents required by the local building official
20 to determine that the fee owner has secured all other
21 government approvals required by law;

22 11. "Plans" means building plans, site engineering plans, or
23 site plans, or their functional equivalent, submitted by a fee owner
24

1 or fee owner's contractor to a private provider or duly authorized
2 representative for review;

3 12. "Plan review" means services involving the review of
4 building plans;

5 13. "Private provider" means a person that is a resident of
6 this state and is certified as a Fire Plans Examiner, Commercial
7 Fire Alarms Plans Examiner I or II, Commercial Fire Sprinkler Plans
8 Examiner, and Fire Inspector I or II through the International Code
9 Council (ICC), or holds another certification or license approved by
10 the State Fire Marshal Commission in lieu of the ICC certifications.

11 For the purposes of performing inspections under this section for
12 additions and alterations that are for single-family dwellings, a
13 private provider shall be required to hold a license through the
14 Construction Industries Board as an unlimited building inspector;

15 14. "Private provider firm" means a business organization
16 located within this state, including a corporation, partnership,
17 business trust, or other legal entity, which offers services under
18 this section to the public through licensees who act as agents,
19 employees, officers, or partners of the firm;

20 15. "Request for certificate of occupancy or certificate of
21 completion" means a properly completed and executed application for:

- 22 a. any plans reviewed by the private provider,
- 23 b. the affidavit from the private provider required under
24 the provisions of Section 4 of this act,

- 1 c. any applicable fees, or
- 2 d. any documents required by the local building official
- 3 to determine that the fee owner has secured all other
- 4 government approvals required by law;

5 16. "Single-trade inspection" means any inspection focused on a
6 single construction trade. The term includes, but is not limited
7 to, inspections of:

- 8 a. door or window replacements,
- 9 b. fences or block walls more than six (6) feet high from
- 10 the top of the wall to the bottom of the footing,
- 11 c. stucco or plastering,
- 12 d. reroofing with no structural alteration,
- 13 e. HVAC replacements,
- 14 f. ductwork or fan replacements,
- 15 g. alteration or installation of wiring, lighting, or
- 16 service panels,
- 17 h. water heater changeouts,
- 18 i. sink replacements, and
- 19 j. repiping;

20 17. "Site work" means the portion of a construction project
21 that is not part of the building structure, including, but not
22 limited to, grading, excavation, landscape irrigation, or the
23 installation of driveways; and

24

1 18. "Stop-work order" means the issuance of any written
2 statement, written directive, or written order that states that work
3 or a specific project must be stopped, the reason for the order, and
4 the conditions under which the cited work will be permitted to
5 resume.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 324.11e of Title 74, unless
8 there is created a duplication in numbering, reads as follows:

9 A. The fee owner of a building or structure, or the fee owner's
10 contractor upon written authorization from the fee owner, may choose
11 to use a private provider to provide plan review or building code
12 inspection services for projects subject to the oversight of the
13 State Fire Marshal, as provided in subsection D of Section 324.11 of
14 Title 74 of the Oklahoma Statutes, with regard to such building or
15 structure and may make payment directly to the private provider for
16 the provision of such services. All such services shall be the
17 subject of a written contract between the private provider, or the
18 private provider firm, and the fee owner or the fee owner's
19 contractor, upon written authorization of the fee owner. The fee
20 owner may elect to use a private provider to provide plan review,
21 building code inspection services, or both such plan review and
22 building code inspection services.

23 B. If an owner or contractor retains a private provider for
24 plan review or building code inspection services, the State Fire

1 Marshal shall reduce the permit fee by the amount of cost savings
2 realized by not performing such services. Such reduction may be
3 calculated on a flat fee, percentage, or any other reasonable basis
4 by which the State Fire Marshal assesses the cost for its plan
5 review or building code inspection services. The State Fire Marshal
6 shall not charge any fees related to building code inspection
7 services if the fee owner or contractor hires a private provider to
8 perform such services; however, the State Fire Marshal may charge a
9 reasonable administrative fee based on any actual costs the Office
10 of the State Fire Marshal incurs in providing required clerical and
11 supervisory assistance.

12 C. If an owner or contractor retains a private provider for the
13 purposes of plan review or building code inspection services, the
14 State Fire Marshal shall provide equal access to all permitting and
15 inspection documents and reports to the private provider, owner, and
16 contractor if such access is provided by software that protects
17 exempt records from disclosure.

18 D. A private provider may only perform building code inspection
19 services that are within the disciplines covered by such provider's
20 licensure or certification, including single-trade inspections. A
21 private provider may not provide building code inspection services
22 pursuant to this section upon any building designed or constructed
23 by the private provider or the private provider firm.

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1 E. A fee owner or the fee owner's contractor using a private
2 provider to provide plan review or building code inspection services
3 shall notify the State Fire Marshal in writing at the time of permit
4 application. The notice shall include the following information:

- 5 1. The services to be performed by the private provider;
- 6 2. The name, firm, address, telephone number, and email address
7 of each private provider who is performing or will perform such
8 services, his or her professional license or certification number,
9 qualification statements or resumes, and, if required by the State
10 Fire Marshal, a certificate of insurance demonstrating that
11 professional liability insurance coverage is in place for the
12 private provider firm, the private provider, and any duly authorized
13 representative in the amounts required by Section 5 of this act; and

- 14 3. A signed acknowledgement stating as follows: "I have elected
15 to use one or more private providers to provide plan review or
16 building code inspection services on the building or structure that
17 is the subject of the enclosed permit application. I understand
18 that the State Fire Marshal may not review the plans submitted or
19 perform the required building code inspection services to determine
20 compliance with the applicable codes, except to the extent specified
21 by law. Instead, plan review or building code inspection services
22 will be performed by the licensed or certified personnel identified
23 in the application. State law requires minimum insurance
24 requirements for such personnel, but I understand that I may require

1 more insurance to protect my interests. By executing this form, I
2 acknowledge that I have made inquiry regarding the competence of the
3 licensed or certified personnel and the level of their insurance and
4 am satisfied that my interests are adequately protected. I agree to
5 indemnify, defend, and hold harmless the State Fire Marshal and his
6 or her building code enforcement personnel from any and all claims
7 arising from my use of these licensed or certified personnel to
8 perform building code inspection services with respect to the
9 building or structure that is the subject of the enclosed permit
10 application."

11 F. If the fee owner or the fee owner's contractor makes any
12 change to the private providers or the services to be provided, as
13 required to be submitted to the State Fire Marshal in paragraphs 1
14 and 2 of subsection E of this section, the fee owner or the fee
15 owner's contractor shall within one (1) business day after any
16 change submit an updated notice to the State Fire Marshal that
17 reflects such change. A change of a duly authorized representative
18 named in the permit application shall not require submission of an
19 updated notice. The State Fire Marshal shall not charge a fee for
20 the submission of an updated notice.

21 G. After construction has commenced on a building or structure,
22 and the State Fire Marshal is unable to provide building code
23 inspection services in a timely manner, the fee owner or fee owner's
24 contractor may elect to use a private provider to provide building

1 code inspection services by notifying the State Fire Marshal of the
2 owner's or contractor's intention three (3) business days before the
3 next scheduled inspection. Such notification shall include the same
4 information as required in paragraphs 1 and 2 of subsection E of
5 this section.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 324.11f of Title 74, unless
8 there is created a duplication in numbering, reads as follows:

9 A. A private provider performing plan review services under the
10 provisions of this act shall review the plans to determine
11 compliance with any applicable codes. Upon determining that the
12 plans reviewed comply with any applicable codes, the private
13 provider shall prepare an affidavit certifying, under oath, that the
14 following is true and correct to the best of the private provider's
15 knowledge and belief:

16 1. That the plans were reviewed by an affiant who is duly
17 authorized to perform plan review pursuant to the provisions of this
18 section and holds the appropriate license or certificate; and

19 2. That the plans comply with any applicable codes.

20 Such affidavit shall bear a written or electronic signature and
21 may be submitted electronically to the State Fire Marshal. Permit
22 applications submitted to the State Fire Marshal for review by a
23 private provider shall be approved or disapproved no more than ten
24 (10) days after receipt. Disapproval of a permit shall include

1 written notice to the applicant identifying the specific features
2 that do not comply with the applicable codes, as well as the
3 specific code chapters and sections. If no written notice for
4 approval or disapproval is provided within ten (10) days, the State
5 Fire Marshal shall notify the private provider of the delay and
6 provide an estimated date of completion. At the end of each fiscal
7 year, an accounting of all reviews exceeding the ten (10) day time
8 period provided in this subsection shall be reported electronically
9 to the Governor, the President Pro Tempore of the Senate, and the
10 Speaker of the House of Representatives, with an explanation as to
11 why each permit was not issued in a timely fashion.

12 B. A private provider performing required building code
13 inspection services under the provisions of this act shall inspect
14 each phase of construction as required by any applicable codes.
15 Such inspection may be performed in person or virtually. The
16 private provider may have a duly authorized representative perform
17 the required building code inspection services, provided all
18 required reports are prepared by and bear the written or electronic
19 signature of the private provider or the private provider's duly
20 authorized representative. The duly authorized representative shall
21 be an employee of the private provider. The contractor's
22 contractual or legal obligations are not relieved by any action of
23 the private provider.

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1 C. A private provider performing required building code
2 inspection services shall provide notice to the State Fire Marshal
3 of the date and time of any such inspection. The State Fire Marshal
4 may not prohibit the private provider from performing any inspection
5 outside of the State Fire Marshal's normal operating hours,
6 including after hours, weekends, or state or federal holidays. The
7 State Fire Marshal may visit the building site as often as necessary
8 to verify that the private provider is performing all required
9 inspections. A deficiency notice shall be posted by the private
10 provider, the duly authorized representative of the private
11 provider, or the State Fire Marshal whenever a noncomplying item
12 related to the building code or the permit requirement is found.
13 Such notice shall be either physically posted at the job site or
14 electronically posted. After corrections are made, the deficiency
15 shall be reinspected by the private provider, private provider firm,
16 or representative of such. Reinspection or reaudit fees shall not
17 be charged by the State Fire Marshal as a result of any audit
18 inspection that occurs before the performance of the inspection by a
19 private provider, private provider firm, or representative of such
20 or for any other administrative matter not involving the detection
21 of a violation of the building code or permit requirement.

22 D. If equipment replacements and repairs are performed in an
23 emergency situation, a private provider may perform emergency
24 inspection services without first notifying the State Fire Marshal.

1 A private provider shall conduct such emergency inspection within
2 three (3) business days after being contacted to conduct such
3 inspection, and shall submit the inspection report to the State Fire
4 Marshal within one (1) business day after the completion of the
5 inspection.

6 E. Upon completing the required building code inspection
7 services at each applicable phase of construction, the private
8 provider shall record all such inspections on a form acceptable to
9 the State Fire Marshal. The form shall bear the written or
10 electronic signature of the private provider or the provider's duly
11 authorized representative. The record of inspections shall reflect
12 the inspections required by any applicable codes at each phase of
13 construction for which permitting by the State Fire Marshal is
14 required. Upon completion of the required inspections at each phase
15 of construction, the private provider shall post the record of
16 inspections, indicating pass or fail, and submit the record to the
17 State Fire Marshal within two (2) business days. Such record may be
18 electronically posted or physically posted at the project site and
19 may be submitted electronically to the State Fire Marshal. Unless
20 the record has been electronically posted by the private provider,
21 physical records of all required and completed inspections shall be
22 maintained at the building site at all times and made available for
23 review by the State Fire Marshal. The private provider shall report
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1 to the State Fire Marshal any condition that poses an immediate
2 threat to public safety and welfare.

3 F. Upon completion of all required building code inspection
4 services, the private provider shall prepare a certificate of
5 compliance on a form acceptable to the State Fire Marshal,
6 summarizing the inspections that have been performed and including a
7 written representation, under oath, that the stated inspections have
8 been performed and that, to the best of the private provider's
9 knowledge and belief, the building construction inspected by such
10 provider complies with the approved plans and applicable codes. The
11 statement required of the private provider shall bear either a
12 physical or electronic signature, and may be submitted
13 electronically to the State Fire Marshal.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 324.11g of Title 74, unless
16 there is created a duplication in numbering, reads as follows:

17 A. The State Fire Marshal shall not adopt or enforce any rules,
18 procedures, policies, qualifications, or standards more stringent
19 than those provided in this act.

20 B. The State Fire Marshal may establish a registration system
21 for private providers and private provider firms to verify
22 compliance with the licensure and insurance requirements provided
23 for in this act.

24

1 C. This act does not limit the authority of the State Fire
2 Marshal to issue a stop-work order for a building project or portion
3 of a building project, as provided by law, if the State Fire Marshal
4 determines that a condition on a building site constitutes an
5 immediate threat to public safety and welfare.

6 D. A private provider shall only perform building code
7 inspection services on a building project under the provisions of
8 this act if the private provider maintains insurance for
9 professional liability covering all services performed as a private
10 provider. The insurance shall have minimum policy limits of One
11 Million Dollars (\$1,000,000.00) per occurrence and Two Million
12 Dollars (\$2,000,000.00) in the aggregate for any project with a
13 construction cost of Five Million Dollars (\$5,000,000.00) or less
14 and Two Million Dollars (\$2,000,000.00) per occurrence and Four
15 Million Dollars (\$4,000,00.00) in the aggregate for any project with
16 a construction cost over Five Million Dollars (\$5,000,000.00).
17 Nothing in this section limits the ability of a fee owner to require
18 additional insurance or higher policy limits.

19 E. For the purposes of this section, the term "construction
20 cost" means the total cost of building construction as stated in the
21 building permit application. If the private provider chooses to
22 secure claims-made coverage to fulfill this requirement, the private
23 provider shall also maintain coverage for a minimum of five (5)
24 years subsequent to the performance of building code inspection

1 services. Before providing building code inspection services, a
2 private provider shall provide to the State Fire Marshal a
3 certificate of insurance that demonstrates that the coverages
4 required by this subsection are in force.

5 F. When performing building code inspection services, a private
6 provider is subject to the disciplinary guidelines of the applicable
7 professional board with jurisdiction over his or her license or
8 certification.

9 G. The State Fire Marshal shall, prior to auditing the
10 performance of plan review or building code inspection services by
11 private providers, create standard operating procedures for the
12 audits, including, at a minimum, the purpose and scope, criteria,
13 and explanation of the audits. The private provider audit
14 procedures shall be publicly available online, and a printed version
15 must be readily accessible at the Office of the State Fire Marshal.
16 The audit processes shall adhere to the State Fire Marshal's
17 standard operating audit procedures. The same private provider or
18 private provider firm may not be audited more than four (4) times
19 within a period of three hundred sixty-five (365) days unless the
20 State Fire Marshal determines a condition present at a building site
21 constitutes an immediate threat to public safety and welfare and
22 requires an emergency inspection audit. The State Fire Marshal
23 shall inform the private provider or private provider firm of an
24 emergency inspection audit in writing.

1 H. The State Fire Marshal and building code enforcement
2 personnel in the employ of the State Fire Marshal shall be immune
3 from liability to any person or party for any action or inaction by
4 a fee owner of a building or by a private provider or its duly
5 authorized representative, in connection with building code
6 inspection services provided for in this act.

7 I. The State Fire Marshal may take disciplinary action if a
8 private provider or private provider firm:

9 1. Violates or fails to comply with any provision of this act
10 or a valid rule or lawful order of the State Fire Marshal;

11 2. Obtains certification through fraud, deceit, or perjury;

12 3. Knowingly assists any person practicing contrary to the
13 provisions of the building code adopted by the enforcement authority
14 of that person;

15 4. Has been convicted of a felony in any jurisdiction;

16 5. Has been convicted of a crime in any jurisdiction which
17 directly relates to the practice of building code administration or
18 inspection;

19 6. Makes or files a report or record that the certificate
20 holder knows to be false, knowingly induces another to file a false
21 report or record, knowingly fails to file a report or record
22 required by state law, knowingly impedes or obstructs such filing,
23 or knowingly induces another to impede or obstruct such filing;

24

1 7. Fails to properly enforce applicable codes or permit
2 regulations within this state which the certificate holder knows are
3 applicable, or commits willful misconduct, gross negligence, gross
4 misconduct, repeated negligence, or negligence resulting in
5 significant danger to life or property;

6 8. Fails to lawfully execute the duties and responsibilities
7 provided in this act;

8 9. Obstructs an investigation, provides forged documents, false
9 forensic evidence, or false testimony, or induces another to provide
10 such; or

11 10. Accepts labor, services, or materials at no charge or at a
12 noncompetitive rate from any fee owner of a building or fee owner's
13 contractor, or immediate family member of such, that has contracted
14 with the private provider to provide building code inspection
15 services. The term "immediate family member" includes a spouse,
16 child, parent, sibling, grandparent, grandchild, aunt, uncle, or
17 first cousin of the person or the person's spouse or any person who
18 resides in the primary residence of the fee owner or fee owner's
19 contractor.

20 J. If the State Fire Marshal Commission determines that any
21 private provider or private provider firm has performed one or more
22 of the acts listed in subsection I of this section, it may enter an
23 order imposing one or more of the following penalties:

24 1. Denial of an application for certification;

- 1 2. Permanent revocation of certification;
- 2 3. Suspension of certification;
- 3 4. Issuance of a written reprimand;
- 4 5. Placement of the certificate holder on probation for a
- 5 period of time and subject to such conditions as the Commission may
- 6 impose, including alteration of performance level; or
- 7 6. Requiring satisfactory completion of a continuing education
- 8 course.

9 K. When a certificate is suspended or when a certificate holder
10 is placed on probation, the Commission shall reinstate the
11 certificate upon proof that the disciplined individual has complied
12 with all terms and conditions set forth in the final order.

13 L. No person shall be allowed to apply for certification under
14 this section for a minimum of five (5) years after the date of
15 revocation of any certificate revoked pursuant to the provisions of
16 this section. The State Fire Marshal may establish additional
17 criteria for certification following revocation.

18 SECTION 6. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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